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OFFICE OF PETITIONS

In re Application of :
Scott Umlauf :
Application No. 10/748,124 :
Filed: December 31, 2003 :
For: NUCLEIC ACID VACCINE COMPOSITIONS: :
HAVING A MAMMALIAN CD80/CD86 GENE :
PROMOTER DRIVING ANTIGEN EXPRESSION I

ON PETITION

This is a decision on the petition filed April 5, 2005, which is being treated under the provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for a failure to timely respond to a Notice to File Missing Parts mailed June 1, 2004. The notice required the basic filing fee, additional claim fees and the requisite surcharge under 37 CFR 1.16(e). On February 5, 2005, a Notice of Abandonment was mailed. In response, on April 5, 2005, the present petition was filed, as well as the basic filing fee, additional claim fees and the requisite surcharge.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy